



DEPARTMENT OF THE NAVY  
CRANE DIVISION  
NAVAL SURFACE WARFARE CENTER  
300 HIGHWAY 361  
CRANE INDIANA 47522-5001

IN REPLY REFER TO:

5720

00L/19F11.4

June 17, 2019

SENT VIA EMAIL

Ms. Rose Santos  
P.O. Box 368  
Depew, NY 14043

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST DON-NAVY-2019-006089

Dear Ms. Santos:

This is in final response to your 24 April 2019, FOIA Request in which you requested "a clearly releasable copy of N0016415SNB28 with the current Statement of Work/Performance Work Statement (SOW/PWS)."

Your request was assigned local Case File Number 2019-F-11. In regards to the basic contract, N0016518GJQ35, we have reviewed the documentation and determined that some portions are releasable; those portions are enclosed. However, we have determined that portions of your record request must be withheld or redacted in part or in their entirety under 5 U.S.C 552 (b) (3), 5 U.S.C 552(b) (4) and 5 U.S.C 552 (b) (6) of the FOIA.

FOIA Exemption (b) (3) at 10 U.S.C § 130 exempts information that is covered by another statute that specifically exempts the information and permits no discretion on the issues. In this case, statute FOIA exemption (b) (3) exempts records from release that are specifically exempted from disclosure by statute 10 U.S.C § 130. The relevant portion of the statute provides the following:

- (a) Notwithstanding any other provision of law, the Secretary of Defense may withhold from public disclosure any technical data with military or space applications in the possession of or under the control of the Department of Defense, if such data may not be exported lawfully outside the United States without approval authorization, or license under the Export Administration Act

of 1979 (50 U.S.C. App 2401-2420) or the Arms Export Control Act (22 U.S.C 2751 et seq.)

Access to the document is subject to the provisions of Department of Defense Directive 5230.25, Withholding of Unclassified Technical Data from Public Disclosure. You may wish to refer to that Directive for further information about access to the document by qualified U.S. Contractors.

Redacted in accordance with FOIA regulations are all "trade secrets and commercial or financial information obtained from a person (including a business) [that is] privileged or confidential" under Exemption 4 [5 U.S.C 552(b) (4)]. For a detailed discussion on "Exemption 4," please visit: [http://www.justice.gov/iop/foia\\_guide09/exemption4.pdf](http://www.justice.gov/iop/foia_guide09/exemption4.pdf). Please note that all Exemption 4 redactions, including the redaction of all prices (e.g., unit prices, net prices, and total award amounts), have been made by the awardee of the contract, and reviewed by us.

In accordance with "Exemption 6" [5 U.S. C 552(b) (6)], we have taken the liberty, for privacy reasons, to redact the personally identifiable information (PII) of individuals from the record. Pursuant to FOIA subsection (b) (6), the disclosure of information, which would cause a clearly unwarranted invasion of privacy of an individual, is protected from disclosure. In reviewing documentation for release, the Agency is required to: (1) determine whether the disclosure of the document would constitute an invasion of privacy, (2) assess if there is a public interest, and (3) weigh the privacy interest against the public interest.

If you disagree with the determination, you may appeal the matter to:

Department of Navy  
Office of General Counsel  
Attn: FOIA Appeals  
1000 Navy Pentagon, Room 5A532  
Washington, DC 20350-1000

Your appeal must be postmarked no later than 90-calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe it should be granted. We recommend that your appeal and its envelope both bear the notation "Freedom of Information Act Appeal." In addition, you have the

right to seek assistance and/or dispute resolution services from the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at [Christopher.a.julka@navy.mil](mailto:Christopher.a.julka@navy.mil) or (703)697-0031. You may also contact the Office of Government Information Services (OGIS) for assistance and/or dispute resolution at [ogis@nara.gov](mailto:ogis@nara.gov) or 1-(877)684-6448. For more information, online, about services provided by OGIS, please visit their website at <https://ogis.archives.gov>.

The total number of pages being released is fifty-six. There is no charge for reproduction costs and search fees. The fee for the contract specialist, FOIA Coordinator, and Attorney to review your request as Clearly Releasable is one-hundred ten dollars (\$110.00). The Agency notes that you agreed to pay up to one-hundred sixteen dollars and sixty cents (\$116.60) for this FOIA Request.

Please send check or money order for \$110.00 payable to Treasurer of the United States, to the FOIA office within 30 calendar days. The payment mailing address is:  
Naval Surface Warfare Center, Crane (NSWC Crane)  
ATTN: Jade Stanley, Comptroller  
300 Highway 361, Bldg. 3373  
Crane, IN 47522

Questions regarding the action taken by this office to process your request may be directed to Sara Gibson at (812) 854-5297 or by email at [sara.gibson@navy.mil](mailto:sara.gibson@navy.mil).

Sincerely,



SARA A. GIBSON  
By Direction

Enclosures: Responsive Document (1)  
Invoice